

REFERENCE TITLE: **municipal improvement districts; formation election**

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2440

Introduced by
Representative Petersen

AN ACT

**AMENDING SECTIONS 48-505 AND 48-576, ARIZONA REVISED STATUTES; RELATING TO
MUNICIPAL IMPROVEMENT DISTRICTS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-505, Arizona Revised Statutes, is amended to
3 read:

4 48-505. Resolution or ordinance of intention to order
5 improvement; election

6 Before ordering an improvement to be made, the city or town council
7 shall COMPLY WITH BOTH OF THE FOLLOWING:

8 1. Pass a resolution or ordinance declaring its intention to do so,
9 describing the improvement and the land necessary or convenient to be taken
10 therefor, and specifying the boundaries of the assessment district to be
11 benefited by the improvement and to be assessed to pay the expense of the
12 improvement. The resolution or ordinance of intention may be combined in a
13 single resolution or ordinance of intention to make public improvements
14 pursuant to section 48-576.

15 2. IF THE CITY OR TOWN COUNCIL DETERMINES THAT THE DISTRICT SHOULD BE
16 FORMED AND AFTER THE FINAL RESOLUTION OF ANY PROTESTS MADE PURSUANT TO THIS
17 ARTICLE OR ARTICLE 2 OF THIS CHAPTER, THE CITY OR TOWN COUNCIL SHALL SUBMIT
18 THE FORMATION TO AN ELECTION OF THE OWNERS OF LAND IN THE DISTRICT WHO ARE
19 QUALIFIED ELECTORS OF THIS STATE AND OTHER LANDOWNERS ACCORDING TO SECTION
20 48-3043. EACH LANDOWNER HAS THE NUMBER OF VOTES OR PORTIONS OF VOTES EQUAL
21 TO THE NUMBER OF ACRES OR PORTIONS OF ACRES ROUNDED UPWARD TO THE NEAREST
22 FIVE HUNDREDTHS OF AN ACRE OWNED BY THAT OWNER IN THE SUBMITTED DISTRICT. IN
23 ADDITION TO HOLDING THE LANDOWNER ELECTION REQUIRED BY THIS PARAGRAPH, THE
24 CITY OR TOWN COUNCIL SHALL SUBMIT THE FORMATION OF THE DISTRICT TO A VOTE OF
25 THE OTHER QUALIFIED ELECTORS WHO RESIDE WITHIN THE BOUNDARIES OF THE PROPOSED
26 DISTRICT. ONLY AFTER THE APPROVAL OF A MAJORITY OF THE LANDOWNERS VOTING ON
27 THE MATTER AND THE APPROVAL OF A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON
28 THE MATTER, THE CITY OR TOWN COUNCIL MAY FORM THE IMPROVEMENT DISTRICT AND
29 ORDER THE IMPROVEMENT AS OTHERWISE PROVIDED BY LAW.

30 Sec. 2. Section 48-576, Arizona Revised Statutes, is amended to read:

31 48-576. Resolution or ordinance of intention to order
32 improvement; election

33 A. Before ordering an improvement authorized by this article, the
34 governing body of the municipality shall COMPLY WITH BOTH OF THE FOLLOWING:

35 1. Pass a resolution or ordinance of intention so to do, briefly
36 describing the improvement. By the resolution or ordinance and the
37 proceedings subsequent thereto, one or more improvements may be made on one
38 or more streets and shall constitute one improvement and be constructed under
39 one or more contracts. The resolution or ordinance of intention may be
40 combined in a single resolution or ordinance of intention to open, extend,
41 widen, straighten or close public streets or off-street parking areas
42 pursuant to section 48-505. If the work proposed is already done for a lot,
43 the lot shall be excepted from the assessment therefor to the extent of the
44 work done.

1 2. IF THE GOVERNING BODY DETERMINES THAT THE DISTRICT SHOULD BE FORMED
2 AFTER THE FINAL RESOLUTION OF ANY PROTESTS MADE PURSUANT TO THIS ARTICLE OR
3 ARTICLE 1 OF THIS CHAPTER, THE GOVERNING BODY SHALL SUBMIT THE FORMATION TO
4 AN ELECTION OF THE OWNERS OF LAND IN THE DISTRICT WHO ARE QUALIFIED ELECTORS
5 OF THIS STATE AND OTHER LANDOWNERS ACCORDING TO SECTION 48-3043. EACH
6 LANDOWNER HAS THE NUMBER OF VOTES OR PORTIONS OF VOTES EQUAL TO THE NUMBER OF
7 ACRES OR PORTIONS OF ACRES ROUNDED UPWARD TO THE NEAREST FIVE HUNDREDTHS OF
8 AN ACRE OWNED BY THAT OWNER IN THE SUBMITTED DISTRICT. IN ADDITION TO
9 HOLDING THE LANDOWNER ELECTION REQUIRED BY THIS PARAGRAPH, THE GOVERNING BODY
10 SHALL SUBMIT THE FORMATION OF THE DISTRICT TO A VOTE OF THE OTHER QUALIFIED
11 ELECTORS WHO RESIDE WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT. ONLY
12 AFTER THE APPROVAL OF A MAJORITY OF THE LANDOWNERS VOTING ON THE MATTER AND
13 THE APPROVAL OF A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE MATTER,
14 THE GOVERNING BODY MAY FORM THE IMPROVEMENT DISTRICT AND ORDER THE
15 IMPROVEMENT AS OTHERWISE PROVIDED BY LAW.

16 B. When the proposed improvement, in the opinion of the governing
17 body, is of more than local or ordinary public benefit, it may order the
18 expense of the improvement chargeable upon a district, and shall describe the
19 extent of the district in general terms in its resolution or ordinance of
20 intention, either by reference to street lines or block numbers, or by
21 designating its exterior boundaries by their courses and distances from the
22 street or streets the improvement of which is contemplated, and may refer for
23 a more particular description thereof to a map on file with the city or town
24 engineer, showing the exterior boundary lines of the district, and
25 delineating block and lot numbers or containing such details as will show the
26 location of the lines. A city or town shall not assess the costs of an
27 improvement which is for the general public benefit against land in an
28 assessment district. If a portion of the expense of an improvement is for
29 general public benefit, the city or town shall assess the district only that
30 portion of the expense which benefits the property within the district.

31 C. The governing body, in the resolution or ordinance of intention,
32 may provide that the improvement described therein may be made according to
33 any of several alternative plans and specifications, or methods, classes or
34 kinds of construction, or classes and kinds of material to be thereafter
35 determined by the legislative body.

36 Sec. 3. Retroactivity

37 This act applies retroactively to any districts formed from and after
38 December 31, 2015.